

House File 121 - Introduced

HOUSE FILE 121

BY WINDSCHITL

A BILL FOR

1 An Act relating to the exemption of firearms, firearm
2 accessories, and ammunition manufactured and retained in
3 Iowa from federal regulation and including applicability
4 provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 724.2, subsection 6, Code 2011, is
2 amended to read as follows:

3 6. Any person, firm, or corporation who under the laws of
4 this state and the United States is lawfully engaged in the
5 improvement, invention, or manufacture of firearms, firearm
6 accessories, or ammunition.

7 Sec. 2. NEW SECTION. **724.28A Preemption — manufacture,**
8 **sale, and retention of firearms, firearm accessories, and**
9 **ammunition.**

10 1. a. Any firearm, firearm accessory, or ammunition
11 manufactured in this state that remains within the borders of
12 this state is not subject to federal law or federal regulation,
13 including registration, under the authority of the Congress of
14 the United States to regulate interstate commerce.

15 b. This section applies to any firearm, firearm accessory,
16 or ammunition manufactured in this state from basic materials
17 that can be manufactured without including any significant
18 parts imported from another state. Generic and insignificant
19 parts that have other manufacturing or consumer product
20 applications are not firearms, firearm accessories, or
21 ammunition, and their importation into this state and
22 incorporation into a firearm, firearm accessory, or ammunition
23 manufactured in this state does not subject the firearm,
24 firearm accessory, or ammunition to federal regulation.

25 2. As used in this section:

26 a. "*Firearm accessory*" means any item that is used in
27 conjunction with or mounted upon a firearm but that is not
28 essential to the basic function of a firearm, including
29 but not limited to a telescopic or laser sight, magazine,
30 flash or sound suppressor, folding or aftermarket stock or
31 grip, speedloader, ammunition carrier, and light for target
32 illumination.

33 b. "*Generic and insignificant parts*" include but are not
34 limited to springs, screws, nuts, and pins.

35 c. "*Manufactured*" means that a firearm, firearm accessory,

1 or ammunition has been created from basic materials for
2 functional usefulness, including but not limited to forging,
3 casting, machining, or other processes for working materials.

4 3. This section shall not apply to any of the following:

5 a. A firearm that cannot be carried and used by one person.

6 b. A firearm that has a bore diameter greater than one
7 and one-half inches and that uses smokeless powder, not black
8 powder, as a propellant.

9 c. Ammunition with a projectile that explodes using an
10 explosion of chemical energy after the projectile leaves the
11 firearm.

12 d. A firearm that discharges two or more projectiles with
13 one activation of the trigger or other firing device.

14 4. Any firearm, firearm accessory, or ammunition
15 manufactured in this state pursuant to this section shall have
16 the words "Made in Iowa" clearly stamped on a central part of
17 the firearm, firearm accessory, or ammunition.

18 Sec. 3. APPLICABILITY. This Act applies to firearms,
19 firearm accessories, and ammunition manufactured and retained
20 in this state on or after October 1, 2011.

21 EXPLANATION

22 This bill provides that firearms, firearm accessories, and
23 ammunition manufactured and retained in Iowa are not subject to
24 federal regulation and provides an applicability date.

25 The bill specifies that any firearm, firearm accessory, or
26 ammunition manufactured in Iowa that remains within Iowa is
27 not subject to federal law or federal regulation, including
28 registration, under the authority of the United States Congress
29 to regulate interstate commerce. The bill applies to any
30 firearm, firearm accessory, or ammunition manufactured in Iowa
31 from basic materials that can be manufactured without including
32 any significant parts imported from another state. Generic and
33 insignificant parts that have other manufacturing or consumer
34 product applications are not firearms, firearm accessories, or
35 ammunition, and their importation into Iowa and incorporation

1 into a firearm, firearm accessory, or ammunition manufactured
2 in Iowa does not subject the firearm, firearm accessory, or
3 ammunition to federal regulation.

4 "Firearm accessory" is defined as any item that is used
5 in conjunction with or mounted upon a firearm but that is
6 not essential to the basic function of a firearm, including
7 but not limited to a telescopic or laser sight, magazine,
8 flash or sound suppressor, folding or aftermarket stock or
9 grip, speedloader, ammunition carrier, and light for target
10 illumination. "Generic and insignificant parts" are defined
11 to include but not be limited to springs, screws, nuts, and
12 pins, and "manufactured" is defined to mean that a firearm,
13 firearm accessory, or ammunition has been created from basic
14 materials for functional usefulness, including but not limited
15 to forging, casting, machining, or other processes for working
16 materials.

17 The bill does not apply to a firearm that cannot be carried
18 and used by one person, a firearm that has a bore diameter
19 greater than one and one-half inches and that uses smokeless
20 powder as a propellant, ammunition with a projectile that
21 explodes using an explosion of chemical energy after the
22 projectile leaves the firearm, and a firearm that discharges
23 two or more projectiles with one activation of the trigger or
24 other firing device.

25 A firearm, firearm accessory, or ammunition manufactured in
26 Iowa under the bill shall have the words "Made in Iowa" clearly
27 stamped on a central part of the firearm, firearm accessory,
28 or ammunition.

29 The bill makes a conforming change to Code section 724.2 to
30 authorize any person, firm, or corporation lawfully engaged in
31 the improvement, invention, or manufacture of firearms, firearm
32 accessories, or ammunition to lawfully possess such items.

33 The bill applies to firearms, firearm accessories, and
34 ammunition manufactured and retained in Iowa on or after
35 October 1, 2011.